



General Assembly

January Session, 2007

Committee Bill No. 6675

LCO No. 3829

03829HB06675JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE SALE OR MORTGAGE OF
SPECIFICALLY DEVISED REAL PROPERTY IN SOLVENT AND
INSOLVENT ESTATES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-165 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) When any conservator, guardian, administrator, executor or
4 trustee, who has been authorized under the provisions of sections 45a-
5 164 to 45a-169, inclusive, [and 45a-428] to sell or mortgage any real
6 property, has died, resigned or been removed without having sold or
7 mortgaged such real property, the court of probate by which such sale
8 or mortgage was authorized may, upon written application by [his] a
9 duly appointed successor, authorize the sale or mortgage of the real
10 property remaining unsold or unmortgaged upon [his] the successor's
11 giving [such] a probate bond, if any, and upon such further notice, if
12 any, as [said] the court orders.

13 (b) The court may likewise, upon similar application, authorize the
14 survivor or survivors, as the case may be, of two or more executors,

15 administrators, trustees, conservators or guardians to sell or mortgage
16 any real property that the original fiduciaries were authorized to sell
17 or mortgage upon giving [such] a probate bond, if any, and upon such
18 further notice, if any, as the court orders.

19 Sec. 2. Section 45a-166 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2007*):

21 (a) The Court of Probate in ordering a sale under the provisions of
22 sections 45a-164 to 45a-169, inclusive, [and 45a-428] shall direct
23 whether the sale shall be public or private. If a public sale is directed,
24 the court shall direct the notice [thereof which] of the sale that shall be
25 given. If a private sale is directed, the court may, if it appears to be for
26 the best interests of the estate, determine the price and the terms of the
27 sale, including purchase money mortgage or mortgages, as [it] the
28 court considers reasonable and advisable.

29 (b) The net proceeds of the sale shall be divided or distributed in the
30 same manner as such real property would have been divided or
31 distributed if [it] the real property had not been sold.

32 (c) If a court of probate fails to direct whether the sale is to be public
33 or private as required by subsection (a) of this section and authorizes a
34 sale to be either public or private subject to the discretion of the
35 fiduciary, a sale conducted pursuant to that order is as valid as if the
36 court had not failed to direct whether the sale is to be public or private.

37 Sec. 3. Subsection (a) of section 45a-168 of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective*
39 *October 1, 2007*):

40 (a) An application to mortgage real property made under the
41 provisions of sections 45a-164 to 45a-169, inclusive, [and 45a-428] shall
42 set forth the amount of money necessary to be raised and the purposes
43 for which the money is required.

44 Sec. 4. Subsection (e) of section 45a-341 of the general statutes is

45 repealed and the following is substituted in lieu thereof (*Effective*
46 *October 1, 2007*):

47 (e) The fiduciary shall file an inventory containing a legal
48 description of any real estate of the decedent prior to a sale pursuant to
49 sections 45a-162 to 45a-169, inclusive, and [sections 45a-427 and
50 45a-428] 45a-427.

51 Sec. 5. Section 45a-428 of the general statutes is repealed. (*Effective*
52 *October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	45a-165
Sec. 2	<i>October 1, 2007</i>	45a-166
Sec. 3	<i>October 1, 2007</i>	45a-168(a)
Sec. 4	<i>October 1, 2007</i>	45a-341(e)
Sec. 5	<i>October 1, 2007</i>	Repealer section

Statement of Purpose:

To repeal statutory provisions concerning personal notice and written consent required prior to the sale or mortgage of certain real property either specifically devised by will or forbidden by will to be sold with respect to certain solvent and insolvent estates.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MORIN, 28th Dist.; SEN. DOYLE, 9th Dist.

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